



420018

Working Copy

Meeting Agenda
12th Street Landfill Remedial Design/Remedial Action
O.U. #4 of the Allied Paper Inc./Portage Creek/Kalamazoo River Superfund Site
December 7, 2007
9:30 a.m. CST, R0611A/R5 Metcalfe - 6th Floor, EPA Region V

Participants**U.S. EPA**

Michael Berkoff
Jim Saric (to be confirmed)
Eileen Furey (to be determined)
Jeff Kaiser (CH2M Hill)

MDEQ

Paul Bucholtz (by telephone)

Weyerhaeuser Company

Jennifer Hale
Kathy Huibregtse (RMT)
Linda Hicken (RMT)
Jim Hutchens (RMT)
Mark Schneider (Perkins Coie [by telephone if needed])

Agenda

1. Lessons learned from Emergency Action
2. U.S. EPA's Five-Year Review Report
3. Components of 12th Street Landfill Remedy
 - Components completed as part of 2007 Emergency Action
 - Components to be completed as part of RD/RA process
4. Potential Alternative Approaches for Long-Term Site Closure
5. Predesign Investigations
 - U.S. EPA investigation in 2003
 - Potential predesign studies by Weyerhaeuser
6. RD/RA Schedule
 - Schedule pursuant to Consent Decree process and deliverables
 - Potential alternative schedule for expediting RD/RA process
7. Action Items

Working Copy

12th Street Landfill Remedial Design/Remedial Action Meeting

Talking Points on the First Five-Year Review Report for the Allied Paper Inc/Portage Creek/Kalamazoo River Site dated October 2007

After review of the October 2007, First Five-Year Review Report for the Allied Paper, Inc/Portage Creek/Kalamazoo River Site (Site), Weyerhaeuser has identified a few issues that require clarification as part of our implementation of the Consent Decree required response actions at the 12th Street Landfill. We are looking forward to a productive discussion of these issues in the December 7, 2007, meeting. As such, we have prepared this issue summary and a well as an annotated list of talking points related to those issues. The purpose of these talking points is to streamline our conversations and limit the time spent on this agenda item. We hope to briefly discuss the data and confirm our common understanding of three specific issues and then determine the next steps to document these understandings and clarifications in the administrative record.

The specific issues are listed below with a summary of supplemental information or data as appropriate to facilitate our discussions.

1. The timeline incorporated into the 2005 Consent Decree has not been triggered by the approval of Supervising Contractor for the Emergency Action in the former Powerhouse Channel. This understanding by Weyerhaeuser is in contrast to the statement on page 40 of the Five Year Review report that states, "In May 2007, U.S. EPA notified Weyerhaeuser to begin the design phase of the 12th Street Landfill remedy..."
 - Based upon our discussions with U.S. EPA legal staff, the May 17, 2007, U.S. EPA letter approving RMT as the Supervising Contractor was necessary to allow implementation of the Emergency Action provisions of the Consent Decree (Paragraph 67) but did not initiate a start time for the Remedial Design/Remedial Action tasks for the 12th Street Landfill Site. *Why?*
 - The initiation date for the 12th Street Landfill RD activities is to be discussed at the December 7, 2007, meeting.
2. U.S. EPA's "Not Protective" determination for 12th Street Landfill OU4 (see Executive Summary of Five Year Review Report, page 8, last paragraph) is not based upon in-place land use restrictions and the most current data.
 - Existing land use restrictions that are in place limit site activities (see Attachment 7 to the Five Year Review Report and note that Attachments 6 and 7 are switched in subject reference). These limitations confirm the conclusions of 1994 Technical Memorandum No. 8 that the site was used by recreationalists (Section 5-7 "the area is frequented by loggers, anglers, canoeists workers on lunch break and general recreationalists"). Thus, the applicable human exposure scenario is the recreational user scenario with exposure through incidental ingestion, dermal contact, or inhalation of surface soils. (The approved Human Health Risk Assessment (MDEQ, May 2003) calculated a protective PCB soil concentration of 23 mg/kg (based on a 1E-05 Cancer Risk) (see Table 6-7, page 6-6 of the Human Health Risk Assessment).
 - According to the Five Year Review Report, the data reviewed for the 12th Street Landfill was from the 1994 Technical Memorandum No. 8. The Five Year Review Report cites the maximum concentration of 158 mg/kg in "surface soil." The Figure 3-11 (location DB-3) from Technical Memorandum No. 8 shows that the sample with this concentration was taken from a depth of 12 to 24 inches (1 to 2 feet) below ground surface (bgs), rather than the surface 6 to 12 inches. The depth of the sample eliminates most concerns for incidental exposure to PCBs in this location.

*D.3 note
of
Memorandum*

- The average concentration of the 181 samples analyzed from the 2003 Pre-design sampling activities was 1.6 mg/kg. The maximum sample concentration of 38.7 mg/kg was reported from the 12 to 24 inch depth. Furthermore several samples were collected near the location identified in the Technical Memorandum of this maximum PCB concentration and were well below that maximum concentration. See Tables 1 to 3 from the Pre-design Data Report that summarize average and maximum concentrations 10 years after the 1994 Technical Memorandum was prepared.
 - The data collected during Pre-design in 2003 and evaluated by the FIELDS Team were compiled in 2004. The average total PCBs concentration in 131 samples of surface soils to depths of 12 inches was 1.61 mg/kg with a maximum concentration of 21 mg/kg total PCBs (see Tables 1 to 3 from the Pre-design Data Report).
 - These data confirm that the most recent surface soil PCB concentrations are less than the protective soil concentration of 23 mg/kg calculated from the Human Health Risk Assessment dated 2003 and cited in the 12th Street Record of Decision. Thus, the more current data do not support a conclusion that the conditions on site are not protective even prior to remedy completion.
3. The recommendation that a fence be installed by December 2007 (page 50 of the Five Year Review Report) is not necessary based upon more current soil sample information and is not consistent with implementation of the activities required in the ROD.
- Access to the site is already limited at several locations. The current Plainwell Impoundment Time Critical Removal Activities include a secure gate that limits access to the Michigan Department of Natural Resources (MDNR) site south of the 12th Street Landfill; the Quarry site directly west of the landfill also has access control and a steep side slope adjacent to the 12th Street Site and the wetlands north of the facility are not accessed by a public road and create an approximately 10-acre buffer to the north.
 - The components of the remedy defined by the ROD include consolidation of residuals present outside the landfill footprint. Installation of a fence prior to remedy construction would hinder implementation of the ROD with limited benefits.

Since these issues have the possibility to impact the public's perceptions of safety associated with the 12th Street Landfill, we also reviewed the Comprehensive Five-Year Review Guidance (Guidance) dated June 2001 to identify options to provide clarifications to the public record in a timely manner. The guidance appears to allow several options:

1. Attach comments from other parties to the report (page 3-5) (listed parties include potentially responsible parties). Note: usually this is done during the preparation process but Weyerhaeuser was not included in the notification or discussion process. This is the first opportunity for Weyerhaeuser to provide comments.
2. Prepare an updated annual report to amend the status of the "Not protective" determination (page 3-9). This annual report is required by U.S. EPA Headquarters.
3. Update the site file record: According to the Guidance on page 4-13 (last paragraph in Section 4.4) the Regions are also required to track the progress and completion of the recommendations and/or actions with documentation in the site file and upon completion update the administrative record in the site repository. The mechanism to update the record is not defined.
4. Prepare an addendum to revise the protectiveness decision. The Guidance explicitly allows for an addendum when the protectiveness cannot be determined (page 4-14, fifth bullet at top of page). However, an addendum may be the most effective mechanism to update the record and provide to Headquarters as required above.

Name	Org
Michael Berkoff	US EPA
Eileen Furey	USEPA
Kathy Huthregte	RMT, Inc.
LINDA HICKEN	RMT, Inc.
Jennifer Hale	Weyerhaeuser.
Joe Jackowski	Weyerhaeuser (phone)
Mark Schneider	Perkins Coie (phone)
Jim Hutchens	RMT
Jeff Keiser	CH2M HILL